



ISLAMIC PERSPECTIVE ON **HUMAN RIGHTS**



SYED MAUDUDI

PUBLISHED BY: ICAN SAMA-O-BASR

TRANSLATION & COMMENTARY: M. NABEEL MUSHARRAF



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Sama-O-Basr

لَوْجِهَ اللَّهِ لَا نُرِيدُ مِنْكُمْ جَزَاءً وَلَا شُكُورًا

Only for Allah's pleasure! We neither seek reward from you nor thanks.

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PREFACE



About the Author

Maulana Abul A'la Maududi (1903–1979) was a towering Islamic thinker, revivalist leader, and one of the most remarkable personalities of the 20th century. From a very young age, he dedicated himself to the service of Islam with tireless and restless energy. Unlike many who focus on a single aspect of activism or scholarship, Maulana Maududi was a rare figure who combined both. He fought tirelessly on multiple fronts, responding to the needs of Islam and Muslims with unmatched courage and insight.

Maulana Maududi's encyclopedic knowledge is a testament to his relentless pursuit of learning. In an era without the conveniences of the internet, he read and analyzed thousands of books, producing works that reflect both a deep understanding of Islamic teachings and a profound grasp of contemporary issues. His writings and speeches addressed challenges ranging from the poison of racial nationalism to the trials of communism, always guiding Muslims with clarity and wisdom.

He never hesitated to enter the battlefield when Islam and Muslims required his service. Whether it was defending the finality of prophethood, making the Quran accessible to the common masses, or addressing the political and intellectual trials of the time, Maulana Maududi was always at the forefront. His legacy continues to resonate not just in Pakistan but across the globe, in both Arab and non-Arab lands alike. He was, and remains, a heartbeat of the Muslim Ummah. May Allah fill his grave with light and grant him the highest place in Jannah—truly, he was the mujaddid (reviver) of the last century.

About the Book

This book, *Human Rights in Islam*, is based on a speech delivered by Maulana Abul A'la Maududi in Lahore in November 1976. Initially published in the magazine *Tarjuman-ul-Quran*, it was later compiled into a standalone booklet. In this work, Maulana Maududi presents a compelling case for the Islamic framework of human rights, demonstrating its unparalleled depth and justice. He argues that the principles of human rights enshrined in the Quran and Sunnah 1400 years ago surpass the contemporary Western approach in both justice and equity.

The book is structured into four key sections:

- **Human Rights, the West, and Islam:** A comparative analysis of Islamic and Western perspectives on human rights.
- **Basic Human Rights:** A detailed exploration of fundamental rights guaranteed by Sharia.
- **Rights of Citizens Living in an Islamic State:** The responsibilities and entitlements of individuals within an Islamic society.
- **Rights of Enemies at War:** Ethical treatment and rights owed to adversaries during conflict.

This work remains as relevant today as it was when first delivered, offering timeless guidance on justice and human dignity rooted in the Islamic tradition.

About the Translation

Although a translation of this work already existed, this new version has been carefully crafted to enhance its readability and appeal, particularly for the younger generation. By prioritizing a natural flow over a word-for-word translation, the text becomes more engaging and accessible. To enrich the

reader's understanding, supplementary comments have been added where necessary to provide contextual and historical insights.



Additionally, an **audiobook** has been prepared to accompany this translation, making it accessible to a wider audience through modern mediums.

The current translation and commentary is a result of a humble effort of Muhammad Nabeel Musharraf.

Publication Details

This edition is published by *iCAN Sama-O-Basr Publications* on December 5, 2024.

CHAPTER ONE:

HUMAN RIGHTS, THE WEST, AND ISLAM



To provide a clear foundation for our discussion on human rights in Islam, it is essential to first examine two major frameworks for understanding human rights: the Western and Islamic perspectives. This preliminary clarification will allow us to approach the topic within its proper context, minimizing misunderstandings and addressing the common sources of confusion that often accompany such debates.

The Western Approach:

It is common in the West to attribute every positive development exclusively to their own efforts, often asserting that such advancements are solely their contributions. This perspective implies that, without their intervention, the world would have remained mired in ignorance and unaware of these benefits. With this context in mind, let us now turn our attention to the question of human rights.

It is often asserted, with great emphasis, that the concept of basic human rights originated with Britain's Magna Carta¹. However, this claim overlooks a significant fact: the Magna Carta was drafted over six hundred years after the advent of Islam. In reality, the principles often associated with the Magna

¹ The Magna Carta, signed in 1215, was a charter of rights agreed upon by King John of England and a group of rebellious barons to address their grievances against the king's arbitrary rule and heavy taxation. Drafted during a period of political turmoil, it aimed to limit the king's powers and establish certain legal protections, marking the first step toward constitutional governance. Though initially annulled by the Pope and largely ignored at the time, it later received prominence in the legal tradition.

Carta today—such as trial by jury, habeas corpus², and parliamentary control of taxation—were scarcely recognized until the seventeenth century. The original drafters of the Magna Carta would likely have been astonished to hear these modern interpretations ascribed to their work, as they neither intended to include such ideals nor were aware of the broader concepts now attributed to their document.³

As far as my knowledge goes, the Western world had no concrete concept of human or civic rights before the seventeenth century. Even after this period, while philosophers and legal thinkers proposed these ideas, practical demonstrations of these concepts appeared only in the late eighteenth century with the proclamations and constitutions of America and France. Following these developments, references to basic human rights began to appear in the constitutions of various nations. However, the rights granted on paper were often not realized in practice.

In the mid-20th century, the United Nations—now often seen as the "Divided Nations"—adopted the Universal Declaration of Human Rights, issued a resolution against genocide, and established regulations aimed at preventing it. However, as we all know, these resolutions and regulations lack enforceability. They are little more than aspirational statements, without the physical or moral authority to ensure compliance. Despite its lofty declarations, human rights violations persist worldwide, leaving the

² **Habeas Corpus:** A legal principle that protects individuals from being unlawfully detained. It ensures that anyone who is arrested has the right to appear before a judge, who will review the case to determine if the detention is legal. This principle serves as a safeguard against arbitrary imprisonment and upholds individual rights.

³ Later generations attributed to the Magna Carta a significance it did not originally possess. Initially issued in 1215 as a response to baronial grievances against King John, it was annulled shortly after and failed to achieve its immediate goals. Over time, revised versions and reinterpretations, particularly in the 17th century by figures like Sir Edward Coke, transformed it into a symbol of the rule of law and individual liberties. Much of its modern reputation stems from these later reinterpretations, rather than its original content or intent.

United Nations to serve largely as a powerless spectator.

The heinous crime of genocide continues unchecked, despite the United Nations' numerous proclamations. For example, in Pakistan's neighboring country, acts of genocide against Muslims have been ongoing for the past twenty-eight years. Yet, the United Nations has neither the power nor the will to take decisive action against India. No meaningful measures have been implemented against any nation guilty of perpetrating such a grave and abhorrent crime.⁴

The Islamic Approach:

The second point I want to clarify from the outset is that when we speak of human rights in Islam, we are referring to rights granted by Allah SWT, not by any king or legislative body. Rights given by kings or parliaments can just as easily be taken away as they were bestowed. Similarly, rights recognized by dictators are entirely at their discretion – granted, revoked, or violated whenever it serves their interests.

In contrast, human rights in Islam are bestowed by Allah SWT, making them immutable and beyond the authority of any legislative assembly or government to amend or alter. No one has the power to abrogate or withdraw these rights. They are neither superficial declarations made for appearances nor abstract philosophical ideals without practical enforcement. These divinely granted rights are meant to be upheld in both letter and spirit.

⁴ The glaring example of the United Nations' double standards and cowardice is the ongoing tragedy in Palestine. One so-called superpower has repeatedly vetoed ceasefire motions, even as over 45,000 innocent Palestinians have been killed and almost the entire population of Gaza has been displaced. The numbers don't end there – countless injuries, amputations, and unimaginable cases of mental trauma pile on top of the suffering. As Maulana Maududi rightly said, the United Nations continues to watch all this unfold as nothing more than a helpless spectator. After such blatant failure, what right do these nations have to preach about human rights?

The charters, proclamations, and resolutions of the United Nations cannot be equated with the rights granted by God. The former are unenforceable, while the latter are binding upon every believer. These rights are not optional – they are a fundamental part of the Islamic faith. Every Muslim, and every administrator professing Islam, is obligated to accept, uphold, and implement them. Failure to do so, denial of these divinely sanctioned rights, attempts to amend or alter them, or violations masked by empty rhetoric are met with a clear and unequivocal verdict in the Holy Quran:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ٤٤

"Those who do not judge by what Allah has sent down are the disbelievers (*kafirun*)." (5:44)

The following ayah further states:

لَّهُمْ ۖ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

"They are the wrong-doers (*zalimun*)." (5:45)

And yet another ayah in the same chapter proclaims:

فِيهِ ۖ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

"They are the evil-livers (*fasiqun*)." (5:47)

In other words:

- If temporal authorities regard their own judgments and decisions as superior to those decreed by Allah, they are classified as disbelievers, *Kafirun*.
- Conversely, if they acknowledge the correctness of Allah's commands but deliberately reject them and impose their own rulings in defiance, they are considered wrongdoers and mischief-makers.
- The term *fasiq* refers to someone who breaks their bond of allegiance,

while *zalim* describes an individual who acts unjustly and opposes the truth.

Thus, any temporal authority claiming to be Muslim yet violating the rights granted by Allah SWT falls into one of two categories: they are either disbelievers or wrongdoers and mischief-makers. The rights ordained by Allah SWT are immutable, everlasting, and eternal. They cannot be altered, modified, or abrogated under any circumstances.

CHAPTER TWO:

BASIC HUMAN RIGHTS



The first thing we find in Islam regarding this matter is that it establishes certain rights for every human being simply by virtue of their humanity. This means that every person, regardless of their nationality, faith, or geographical location – whether they live in a bustling city, a remote forest, or a vast desert – possesses basic human rights. These rights are to be recognized and upheld by every Muslim, and it becomes their duty to fulfill these obligations as part of their faith.

1. The Right to Life

The first and foremost basic right in Islam is the right to life and the respect for human life. The Holy Quran clearly states:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا

"Whosoever kills a human being without (any reason like) manslaughter or corruption on earth, it is as though he had killed all mankind ..." (5:32)

When it comes to taking a life in retaliation for murder or as punishment for spreading corruption on earth, such decisions can only be made by a proper and competent court of law.

Similarly, if a nation goes to war, it must be authorized by a legitimate and established government.

No individual has the right to take human life on their own accord, whether

in retaliation or as a response to perceived mischief. Therefore, it is the duty of every person to avoid taking a human life under any circumstances practicing any form of self-authorization. The Holy Quran emphasizes this principle when it states that whoever murders a human being, it is as though they have slain all of humanity as mentioned above. This guidance is reinforced in another verse of the Quran, which declares:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

"Do not kill a soul which Allah has made sacred except through the due process of law ..." (6:151)

Here too, the Quran differentiates between intentional homicide⁵ and the taking of life in the pursuit of justice. Only a proper and competent court has the authority to determine whether an individual has forfeited their right to life by violating the rights to life and peace of others. The Prophet Muhammad ﷺ (peace and blessings be upon him) has emphasized the gravity of intentional homicide, declaring it the greatest sin after polytheism. A well-known tradition of the Prophet states that killing human being is one of the most serious sins.

⁵ Homicide, murder, and manslaughter are legal terms that describe different types of killings.

Homicide broadly refers to the killing of one person by another, which can be either legal or illegal depending on the circumstances. For example, a soldier killing in battle or a person acting in self-defense may be considered lawful.

The distinction between legal and illegal killings lies at the heart of what defines murder and manslaughter.

- Murder is an unlawful homicide committed with "malice aforethought," meaning there was **intent** to kill or harm. Certain circumstances, such as committing murder during a felony (such as grand theft, kidnapping, etc.), may lead to more severe charges like felony murder or capital murder.
- Manslaughter, on the other hand, involves an unintentional killing and is considered less severe than intentional murder. It may occur during reckless actions (involuntary manslaughter) or in the heat of passion without premeditation (voluntary manslaughter). Both reflect a loss of life but differ significantly in intent and legal consequences.

عَنْ أَنَسٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْكَبَائِرِ قَالَ الشِّرْكُ بِاللَّهِ وَعُقُوقُ الْوَالِدَيْنِ وَقَتْلُ النَّفْسِ وَقَوْلُ الزُّورِ

Anas reported: The Prophet, peace and blessings be upon him, said regarding the major sins, **"They are associating partners with Allah, disrespect to parents, killing a person (*nafs*), and false testimony."** (Saheeh Bukhari)

The Quran and the traditions of the Prophet (peace be upon him) emphasize the sanctity of human life without distinction of nationality, race, religion, or any other categorization. In all references, the word "*nafs*" (soul) is used universally, underscoring the intrinsic value of every human life. This generality highlights that the prohibition against taking a life applies to all humanity, not just to individuals belonging to a specific group or community. The injunction makes it clear that the destruction of human life, in and of itself, is forbidden, thereby upholding the sanctity and dignity of every person as a fundamental principle.

Islam stands unique in its universal recognition of the **"Right to Life"** as an inherent and unalienable right for all human beings, transcending boundaries of nationality, race, or status. Unlike other systems or ideologies that have historically limited such rights to specific groups – whether based on citizenship, race, or social hierarchies – Islam's perspective is unequivocally inclusive. This universality is grounded in the Quran and the teachings of the Prophet (peace be upon him), which regard every human life as sacred and inviolable.

In contrast, history reveals glaring inconsistencies in the application of "human rights" by those who claim to champion them. Examples abound: the genocide of the Aboriginal populations in Australia to clear land for settlers, the systematic destruction of Native American societies in the United States, and the horrific exploitation of African populations during the transatlantic slave trade. These atrocities underscore a troubling reality – respect for human life in these contexts was often conditional, based on race

or nationality. Islam, however, unequivocally extends the right to life to every person, regardless of their background, treating even the most marginalized racial and ethnic groups with the dignity owed to all humanity. This profound equality is a testament to Islam's unparalleled commitment to justice and the sanctity of life.

2. The Right to the Safety of Life

Immediately after the verse of the Holy Quran mentioned in connection with the right to life (i.e. forbidding the killing of innocent people), as quoted above, our Merciful God says:

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"And whoever saves a life, it is as though he had saved the lives of all mankind." (5:32)

Saving a life can take many forms, and Islam emphasizes this duty regardless of a person's nationality, race, or color. Whether a man is ill or wounded, if you are aware of his need for assistance, it becomes your moral obligation to help him receive treatment for his ailment or injuries. If he is facing starvation, it is your responsibility to provide him with food to preserve his life. Similarly, if someone is drowning or in any other life-threatening situation, it is your duty to act and save him. This universal principle highlights the sanctity of human life and the collective responsibility to protect it.

You may be surprised to hear that the **Talmud**, the religious book of the Jews, contains a verse of similar nature but records it in an altogether different form. It states:

"Whoever destroyed the life of an Israelite, in the eyes of the Scripture, it is as if he destroyed the whole world. And whoever protected and saved one life of the Israelite, in the light of the Scripture, it is as if he saved the whole world."

The Talmud also contains the view that if a non-Israelite is drowning and one tries to save him, they are considered a sinner. Can this be called anything other than racialism? We regard it as our duty to save every human life because this is what the Holy Quran enjoins. On the other hand, they regard it necessary to save only the life of an Israelite. As for others, according to this view, they do not seem to be human enough to deserve protection. In their literature, the concept of Goyim (for which the English word Gentile and the Arabic word Ummi – meaning "illiterate" – are used) indicates that they enjoy no human rights; human rights are reserved only for the children of Israel. The Quran has mentioned this belief of the Israelites and quotes them saying:

قَالُوا لَيْسَ عَلَيْنَا فِي الْأُمِّيِّينَ سَبِيلٌ

"...They said: There is no blame on us (for anything we may do) with regard to the unlettered folk (i.e., the *ummi*)..." (3:75)

3. Respect for the Chastity of Women

The third important principle found in the Charter of Human Rights granted by Islam is the unequivocal respect and protection of a woman's chastity under all circumstances. This principle applies universally – whether the woman belongs to our own nation or an enemy nation, whether she is encountered in a wild forest or a conquered city, whether she shares our faith, follows a different religion, or adheres to no religion at all. Islam strictly forbids any violation of her chastity. All forms of promiscuous relationships are prohibited, regardless of the woman's status or position, and whether she consents to or resists the act.

The words of the Holy Quran in this respect are:

وَلَا تَقْرُبُوا الزَّوَاجَ إِنَّمَا كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

"Do not approach (the bounds of) adultery." (17:32)

Severe punishments have been prescribed for this crime, and the prohibition is absolute, without any qualifications or exceptions. Since the violation of a woman's chastity is strictly forbidden in Islam, a Muslim who commits this crime cannot evade punishment, whether in this world or in the Hereafter. The emphasis on respecting and protecting the chastity of women is a concept that stands as a unique and defining feature of Islam.

The armies of Western powers have often exploited the daughters of their own nations to satisfy their carnal desires⁶, and when they occupy another country, the plight of its women is beyond description. In contrast, the history of Muslims has been largely free from such crimes against womanhood, with only isolated lapses by individuals. It has never been a practice of Muslim armies, even after conquering foreign lands, to violate the dignity of women or for governments to arrange for prostitutes for their soldiers. The protection of women's dignity stands as a profound blessing that Islam has bestowed upon humanity.

4. The Right to a Basic Standard of Life

Addressing economic rights, the Holy Quran commands the believers:

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

"And in their wealth, there is acknowledged right for the needy and

⁶ The exploitation of women for the satisfaction of military troops has been a dark and pervasive reality in many armies throughout history. The Japanese Imperial Army during World War II institutionalized this abuse through "comfort stations," where women, often abducted or coerced, were subjected to systematic sexual slavery. Similarly, the U.S. military during World War II openly facilitated brothels for soldiers in places like Hawaii and liberated parts of Europe, enabling the exploitation of women under the guise of maintaining morale. The German military under the Nazi regime forced women into sexual servitude in occupied territories and even in concentration camps, perpetuating one of history's most heinous crimes. British and colonial armies also exploited women in occupied regions, particularly in Asia and Africa, under oppressive systems of power. These atrocities, rooted in exploitation and dehumanization, stand in stark contrast to Islamic principles, which categorically condemn any violation of women's dignity and prohibit such abhorrent practices.

destitute." (51:19)

The words of this injunction indicate that it is a categorical and absolute command. Significantly, this directive was revealed in Makkah, at a time when no organized Muslim society had been established and Muslims primarily interacted with a population of disbelievers. This context underscores the universal application of the verse, emphasizing that anyone in need – regardless of their nation, country, or race – has a rightful claim to assistance from the wealth of Muslims.

If you are in a position to help and a needy person seeks your assistance, or if you become aware of someone's suffering, it is your duty to extend help. Allah SWT has ordained their right over you, and as a Muslim, you are bound to fulfill this obligation with sincerity and compassion.

5. Individual's Right to Freedom

Islam has unequivocally and categorically prohibited the archaic and inhumane practice of capturing a free man to enslave him or sell him into slavery. On this matter, the Prophet (peace be upon him) declared in clear and explicit terms:

قَالَ اللَّهُ ثَلَاثَةٌ أَنَا حَصْمُهُمْ يَوْمَ الْقِيَامَةِ، رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ، وَلَمْ يُعْطِ أَجْرَهُ

Allah says, 'I will be against three persons on the Day of Resurrection: 1. One who makes a covenant in My Name, but he proves treacherous. 2. One who sells a free person (as a slave) and eats the price, 3. And one who employs a laborer and gets the full work done by him but does not pay him his wages.' " (Saheeh Bukhari)

The words of this tradition of the Prophet (peace be upon him) are universal and apply to all of humanity, without restriction to any particular nation, race, country, or religion. In contrast, the Europeans often boast about

having abolished slavery, though they only did so in the middle of the last century. Prior to this, Western powers conducted large-scale raids in Africa, capturing free men, enslaving them, and transporting them to their colonies under brutal conditions. The treatment inflicted upon these individuals was often more degrading and inhumane than that given to animals – a reality well-documented in books authored by Western writers themselves.

5a. The Slave Trade of Western Nations:

After the occupation of America and the West Indies, the transatlantic slave trade persisted for 350 years. The African coasts, where black-skinned Africans were captured and brought from the interior, became infamously known as the "Slave Coast." British authors estimate that, during just one century (1680–1786 AD), 20 million people were forcibly captured and enslaved to serve British colonies alone. In the year 1790 alone, a staggering 75,000 individuals were captured and shipped as slave labor to the colonies, highlighting the immense scale of this inhuman practice.

The ships used for transporting slaves were small, overcrowded, and unsanitary. These unfortunate individuals were crammed into the holds of the ships like cattle, often chained to wooden shelves stacked just eighteen inches apart, one above the other. They were deprived of adequate food, and no medical care was provided if they fell ill or sustained injuries. Western accounts reveal that at least 20% of those captured died during the harrowing journey from Africa to America. Estimates suggest that the total number of people forcibly captured and enslaved by European nations during the peak of the transatlantic slave trade exceeded 100 million. This is the record of those who hypocritically criticize Muslims for acknowledging the historical institution of slavery, akin to a criminal pointing fingers at an innocent man.

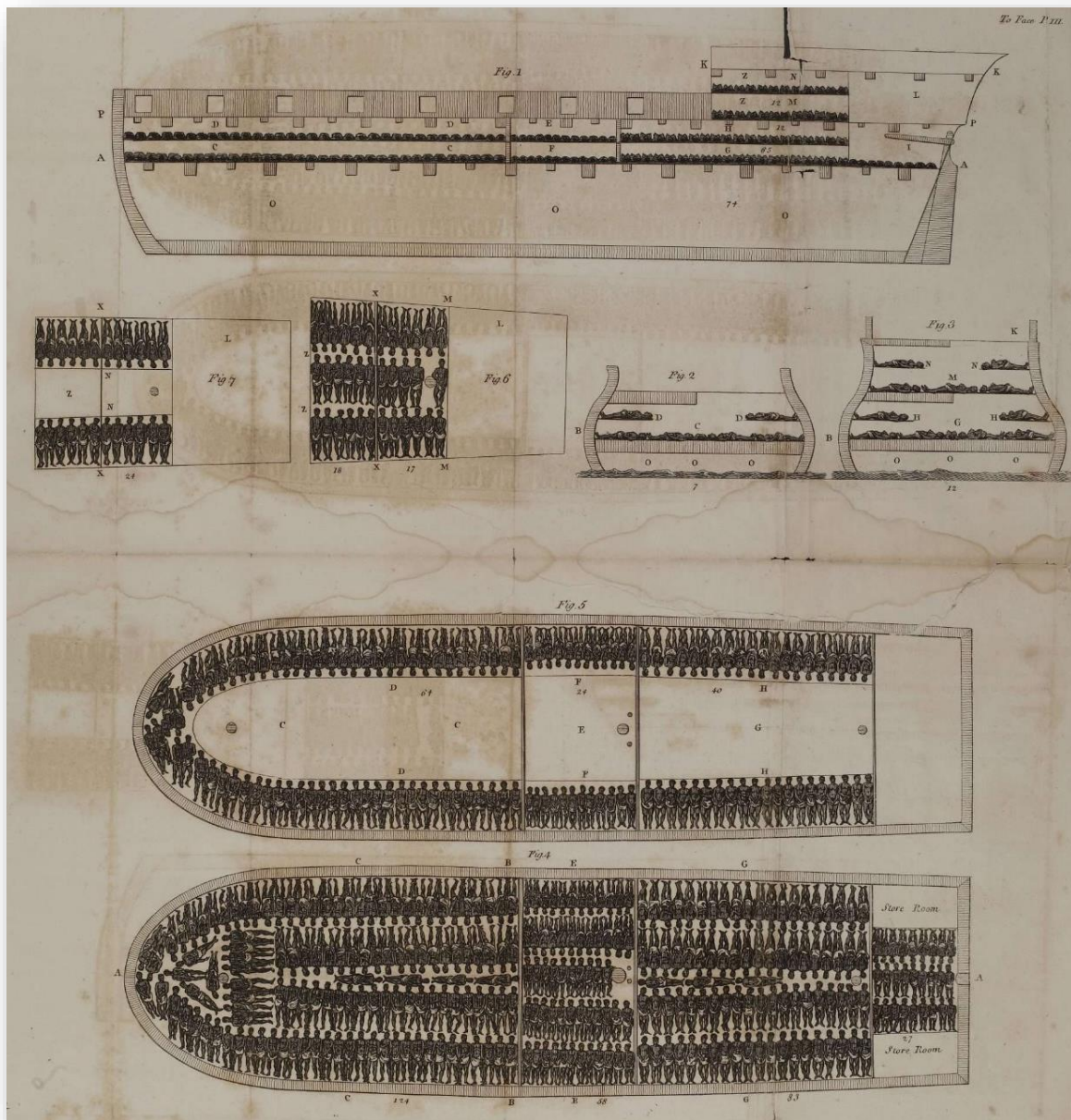


Figure: This haunting illustration depicts the interior of a slave ship, highlighting the inhumane conditions endured by enslaved Africans during the transatlantic slave trade. Cramped spaces, unsanitary environments, and overcrowding vividly demonstrate the suffering and dehumanization faced by millions. Image courtesy of Encyclopedia Virginia, accessed at encyclopediavirginia.org.

Note: The above image and description has been added by the editor.

5b. The Position of Slavery in Islam:

Islam addressed the deeply entrenched institution of slavery in Arabia by actively promoting the liberation of slaves through multiple means. Muslims were instructed to emancipate slaves as an expiation for specific sins, and voluntarily freeing a slave was declared one of the most virtuous deeds. The Prophet Muhammad ﷺ (peace be upon him) taught that for every limb of a freed slave, a corresponding limb of the person emancipating them would be shielded from hellfire, emphasizing the spiritual significance of this act.

This transformative policy led to the gradual eradication of old slavery in Arabia by the time of the Rightly-Guided Caliphs. The Prophet Muhammad ﷺ (peace be upon him) personally freed 63 slaves. His wife Aisha (may Allah be pleased with her) freed 67, his uncle Abbas liberated 70, Abdullah ibn Umar freed 1,000, and Abdur Rahman ibn Awf emancipated an extraordinary 30,000. Many other companions also freed substantial numbers of slaves, as documented in historical texts and traditions, reflecting Islam's profound commitment to human dignity and justice.

Thus, the issue of slavery in Arabia was effectively resolved within 30 to 40 years. Beyond this period, the only form of slavery that remained in Islamic society involved prisoners of war captured on the battlefield. These individuals were retained by the Muslim government until their own authorities negotiated their release, either through prisoner exchanges or by paying a ransom. If neither option materialized, the Muslim government would allocate them to the soldiers who had captured them. This system was significantly more humane than practices in other societies, where prisoners were often confined in harsh concentration camps, forced into grueling labor, or subjected to exploitation, including the prostitution of captured women.

Islam sought to integrate prisoners of war into society by placing them with individual families and mandating their humane treatment. Guardians were instructed to care for them with kindness and fairness, fostering a sense of

dignity and belonging. This enlightened policy resulted in many prisoners embracing Islam, inspired by the just and compassionate conduct of their captors. Over time, their descendants made remarkable contributions to Islamic civilization, becoming esteemed scholars, imams, jurists, commentators, statesmen, and military generals. In some instances, these former captives or their progeny even rose to positions of leadership, ruling regions of the Muslim world and leaving a lasting legacy.

The modern practice of exchanging prisoners of war at the end of hostilities was, in fact, implemented by Muslims from the very beginning. Muslims promptly carried out such exchanges whenever their adversaries were willing to negotiate. However, when a defeated government was unable or unwilling to arrange for its prisoners' release, history reveals that the conditions faced by prisoners of war were often worse than those endured by slaves.

A stark example is the fate of thousands of German and Japanese prisoners captured by Russia during the Second World War. Many of these individuals were subjected to grueling forced labor in Siberian concentration camps, where they endured sub-zero temperatures with insufficient clothing and food⁷. The inhumane conditions led to widespread suffering and death,

⁷ After Japan's surrender in World War II, an estimated 560,000 to 760,000 Japanese soldiers were captured by the Soviet Union and subjected to harrowing suffering, a stark reflection of the inhumanity prevalent in many non-Muslim nations during that era. Forced to march 200 kilometers over ten grueling days, these prisoners were crammed into freight trains and transported to labor camps scattered across Siberia and other Soviet territories. There, in temperatures plunging to minus 25 degrees Celsius, they endured starvation, disease, and unrelenting forced labor. With insufficient clothing, inadequate tools, and meager sustenance—a single slice of black bread and a bowl of gruel—they toiled under unbearable conditions. Survivors recount digging into frozen ground with bare hands, constructing endless roads, and witnessing countless fellow captives succumb to the brutality. "Most POWs didn't survive the first year," one survivor painfully recalled. The mortality rate soared to an estimated 347,000 due to starvation, overwork, and torture, a chilling testament to the utter disregard for human dignity. This dark chapter is but one of many examples of such atrocities that stain the pages of history. In stark contrast, Islam teaches profound compassion towards slaves under one's authority. The Prophet Muhammad ﷺ (peace be upon him) said, "Your slaves are your brothers. Allah has placed them in your hand, and he who has his brother under him should feed him with what he eats, dress him with what he dresses himself, and not burden them beyond

6. The Right to Justice

وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ اَنْ صَدُّوْكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ اَنْ تَعْتَدُوْا

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوْمِينَ لِلّٰهِ شُهَدَاءَ بِالْقِسْطِ ۚ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ ءَلَّا تَعْدِلُوا ۚ اَعْدِلُوا هُوَ اَقْرَبُ لِلتَّقْوَىٰ ۚ وَاتَّقُوا اللّٰهَ ۚ إِنَّ اللّٰهَ خَبِيرٌ بِمَا تَعْمَلُونَ ۝۸

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوْمِينَ بِالْقِسْطِ شُهَدَاءَ لِلّٰهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوُلَدَيْنِ ؕ وَالْأَقْرَبِينَ ؕ إِنْ يَكُنْ غَنِيًا أَوْ فَقِيرًا فَاللّٰهُ أَوْلَىٰ بِهِمَا ؕ فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا ؕ وَإِنْ تَلَوْا أَوْ نَعَرَضُوا فَقَانَ اللّٰهُ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

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Allah is best to ensure their interests. So do not let your desires cause you to deviate 'from justice'. If you distort the testimony or refuse to give it, then 'know that' Allah is certainly All-Aware of what you do." (4:135)

These verses clearly emphasize that Muslims are commanded to uphold justice not only with those around them but even with their enemies. In other words, the concept of justice in Islam is universal and not confined to the citizens of one's own country, tribe, nation, race, or even the Muslim community. It extends to all human beings, regardless of their background, affirming Islam's commitment to justice on a global scale.

Muslims, therefore, are forbidden from being unjust to anyone. Justice and fairness must be ingrained in their character to the extent that no one should ever have reason to fear injustice at their hands. They are commanded to uphold justice and fairness in their dealings with every human being, regardless of place or circumstance.

7. Equality of Human Beings

Islam not only acknowledges absolute equality among all human beings, regardless of distinctions like color, race, or nationality, but also elevates this equality to the status of a fundamental principle and a lived reality. The Almighty God declares in the Holy Quran:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ

"O mankind, We have created you from a male and a female." (49:13)

In other words, all human beings are brothers and sisters, sharing a common ancestry as descendants of the same father and mother. The Quran further states:

وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

"And We set you up as nations and tribes so that you may be able to

recognize each other." (49:13)

This part of the ayah highlights that the division of humanity into nations, races, groups, and tribes is intended for identification and fostering cooperation, not as a basis for one group to claim superiority over others or to demean or consider others as inferior. The verse further affirms:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"Indeed, the noblest among you before Allah are the most heedful of you." (49:13)

This signifies that true superiority lies in God-consciousness, purity of character, and high moral standards—not in attributes like color, race, language, or nationality. Moreover, even moral and spiritual superiority does not grant anyone the right to act arrogantly or claim dominance over others. Arrogance itself is a detestable vice, one that no truly God-fearing or virtuous person would ever exhibit.

The righteous, therefore, do not possess privileged rights over others, as such a notion would contradict the fundamental principle of human equality articulated at the beginning of the verse. From a moral standpoint, goodness and virtue are inherently superior to vice and evil. The Prophet Muhammad ﷺ (peace be upon him) embodied this principle and expressed it in his teachings, stating:

لا فضلَ لعربيٍّ على عجميٍّ ، ولا لعجميٍّ على عربيٍّ ، ولا لأبيضَ على أسودَ ، ولا لأسودَ على أبيضَ - إِلَّا بالتَّقْوَى ، النَّاسُ مِنْ آدَمَ ، وآدَمُ مِنْ تَرَابٍ

"No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man, nor does a black man have any superiority over a white man - except in righteousness (i.e. the one who is more righteous is

superior irrespective of his or her ethnicity or color of skin). You are all the children of Adam, and Adam was created from clay." (Al-Bayhaqi and Al-Bazzaz)

In this manner, Islam established equality for the entire human race, eliminating distinctions rooted in color, race, language, or nationality. In Islam, the right to equality is regarded as a God-given birthright, ensuring that no individual should ever face discrimination based on their skin color, place of birth, race, or national origin.

A powerful illustration of this principle is found in the life of Malcolm X, the African-American civil rights leader. After years of combating the racial discrimination entrenched in the United States, Malcolm X undertook the pilgrimage to Makkah. There, he witnessed Muslims from Asia, Africa, Europe, and the Americas—people of diverse races, languages, and skin colors—dressed identically and standing shoulder to shoulder in prayer before the Ka’bah, with no distinction among them⁸. This profound experience led him to realize that the true solution to racial and color prejudice lay in Islam, rather than the methods he had previously advocated in America.

Today, numerous non-Muslim thinkers, free from blind prejudice, openly acknowledge that no other religion or way of life has addressed and resolved the problem of racial and color discrimination with the same degree of

⁸ In his letter from Makkah on April 20, 1964, Malcolm X wrote: “There were tens of thousands of pilgrims, from all over the world. They were of all colors, from the blue-eyed blondes to black-skinned Africans. But we were all participating in the same rituals, displaying a spirit of unity and brotherhood that my experience in America led me to believe never could exist between the white and the non-white.” He also expressed: “Never have I witnessed such sincere hospitality, and overwhelming spirit of true brotherhood as is practiced by people of all colors and races here in the Ancient Holy Land, the home of Abraham, Muhammad ﷺ, and all the other prophets of the Holy Scriptures. For the past week, I have been utterly speechless and spellbound by the graciousness I see displayed all around me by people of all colors.” This is Islam, and these are its beautiful teachings that the whole of humanity deserves to witness and be blessed with.

success as Islam.

8. The Right to Co-operate and Not to Co-operate

Islam prescribes a principle of paramount importance and universal application in the Holy Quran:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

"Cooperate with one another in righteousness and piety, but do not cooperate in sin and transgression." (5:2)

This means that anyone engaged in a noble and righteous endeavor—regardless of whether they reside at the North Pole or the South Pole—has the right to expect support and active cooperation from Muslims. Conversely, anyone involved in deeds of vice and aggression, even if they are a close relative or neighbor, has no right to expect support or assistance from Muslims based on race, country, language, or nationality. Muslims are prohibited from cooperating with such a person under any circumstances.

A wicked or vicious person may be our own brother, but if they persist in their wrongful ways without repentance or reform, they are not considered one of us and cannot expect help or support from Muslims. Conversely, a person engaged in virtuous and righteous deeds—regardless of their kinship, nationality, or religious affiliation—should find Muslims to be their companions, supporters, or at the very least, their well-wishers.

CHAPTER THREE:

RIGHTS OF CITIZENS IN AN ISLAMIC STATE



We have discussed human rights in general. Now, we will examine the rights of citizens in an Islamic State. Since these rights are broader and more detailed than the general human rights discussed earlier, they warrant separate consideration.

1. The Security of Life and Property

In his address during the Farewell Hajj, the Prophet Muhammad ﷺ (peace be upon him) declared:

إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا أَلَا لِيُبَلِّغَ
الشَّاهِدُ مِنْكُمْ الْغَائِبَ

"Verily, your lives, your property, and your reputations have been made sacred to you, just as the sanctity of this day of yours, in this month of yours. Will not the witness inform the absent?" (Saheeh Bukhari)

The Holy Quran reinforces this principle:

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

"And whoever kills a believer intentionally, their reward will be Hell — where they will stay indefinitely.¹ Allah will be displeased with them, condemn them, and will prepare for them a tremendous punishment." (4:93)

The Prophet also spoke about the *dhimmi* (non-Muslim citizens of the Muslim State):

مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ وَإِنَّ رِيحَهَا يُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا

Whoever kills a person protected by a treaty (e.g. a Dhimmi) will never smell the fragrance of Paradise. Verily, its fragrance can be found a distance of forty years of travel. (Sahih Bukhari 6516)

Islam prohibits homicide except in one circumstance: when it is carried out through the due process of law, referred to in the Quran as **bi al-haqq** ("with the truth"). A life may only be taken when the law demands it, and this must be determined by a competent court of law. In cases of war or insurrection, only a just and righteous government that adheres to Shari'ah (Islamic Law) has the authority to decide whether a war is just, whether taking a life is justified, or whether a person is a rebel deserving capital punishment.

These critical decisions cannot be entrusted to a judiciary influenced by the administration or heedless of Allah's principles, as such a judiciary is prone to miscarry justice. Similarly, crimes committed by the state cannot be justified under the Quran or the traditions (*hadith*), particularly when the state murders its citizens openly or secretly on the slightest pretext, such as opposing unjust policies or criticizing misdeeds. Such governments not only fail to uphold justice but also protect criminals who commit murder in their service, with no action taken by the police or courts. A government of this nature is itself a crime, and the killings it perpetrates cannot be regarded as just executions under the Quranic concept of justice.

Islam extends the right of security to property as well. This principle is reinforced in the Prophet's address during the Farewell Hajj and further emphasized in the Quran:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"Do not consume one another's wealth unjustly, nor deliberately bribe authorities in order to devour a portion of others' property, knowing that it is a sin." (2:188)

The Quran categorically prohibits the unlawful possession of others' property, thereby ensuring the sanctity of private ownership under the laws of God.

2. The Protection of Honour

The second important right of citizens in an Islamic State is the protection of their honour. During the Farewell Hajj address, the Prophet not only prohibited encroachment upon life and property but also forbade any violation of a person's honour, respect, and chastity till the last day. The Quran commands the believers:

- Do not let one group of people make fun of another group.
- Do not defame one another, neither explicitly nor through hints and indirect means.
- Do not insult by using (bad) nicknames.
- And do not backbite or speak ill of one another.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَسْخَرُ قَوْمٌ مِّنْ قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّنْ نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ ۚ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ ۚ بِئْسَ الِّاسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ ۚ وَمَن لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ١١

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ ۚ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بََعْضُكُم بَعْضًا ۚ أَيُحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ ١٢

O believers! Do not let some 'men' ridicule others, they may be better than them, nor let 'some' women ridicule other women, they may be better than them. Do not defame one another, nor call each other by offensive

nicknames. How evil it is to act rebelliously after having faith! And whoever does not repent, it is they who are the 'true' wrongdoers. O believers! Avoid many suspicions, 'for' indeed, some suspicions are sinful. And do not spy, nor backbite one another. Would any of you like to eat the flesh of their dead brother? You would despise that! And fear Allah. Surely Allah is 'the' Acceptor of Repentance, Most Merciful. (49:11-12)

This is the Islamic law for the protection of honour, which is far superior to the Western law of defamation. According to Islamic law, if it is proven that someone has attacked another person's honour, the perpetrator will be punished, regardless of whether the victim can prove themselves to be a person of honour and respect.

By contrast, in Western defamation law, the plaintiff must first prove their own honour and public esteem. During this process, the victim is often subjected to invasive interrogations, accusations, and innuendos from the defense, causing further disgrace. Additionally, the plaintiff is required to produce witnesses to testify that their reputation has been harmed by the accused. Such a process frequently leads to greater humiliation for the victim, effectively undermining the purpose of seeking justice. What type of senseless man-made laws are these, and what senseless method of legislature is that which people try to bring forth in comparison to divine laws?

Islamic law, on the other hand, eliminates such complexities and injustices. It regards blasphemy and defamation as crimes regardless of the victim's social standing or whether public perception of the victim's reputation has been harmed. If it is proven that the accused uttered words that, by common sense, could damage the victim's honour, this alone is sufficient to declare the accused guilty of defamation.

3. The Sanctity and Security of Private Life

Islam recognizes the right of every citizen to live without undue interference or encroachment on the privacy of their life. The Holy Quran commands:

وَلَا تَجَسَّسُوا

"Do not spy on one another." (49:12)

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا

"O you who believe! Do not enter any houses except your own homes unless you are sure of their occupants' consent." (24:27)

The Prophet Muhammad ﷺ (peace be upon him) instructed his followers that even when entering their own homes, they should not do so suddenly or surreptitiously. Instead, they should make their presence known or indicate to the occupants that they are entering, to avoid encountering someone, such as their mother, sister, or daughter, in a condition in which they would not wish to be seen.

Peering into others' houses is also strictly prohibited to such an extent that the Prophet (Peace and blessings be upon him) said that if someone secretly peers into another's house and the occupant blinds their eye as punishment, the occupant cannot be held accountable or prosecuted. Furthermore, the Prophet forbade reading another person's letters. If someone is reading their letter and another person attempts to glance at it surreptitiously, such behavior is deemed reprehensible.

This is the sanctity of privacy that Islam guarantees to individuals. In contrast, in the modern "civilized" world, privacy is frequently violated. Letters are not only read but also censored, with photocopies retained for potential use or blackmail. Bugging devices are secretly installed in people's homes to record and tape conversations occurring behind closed doors. This effectively eradicates the concept of privacy, rendering the private life of individuals practically nonexistent.

Espionage on private lives cannot be justified on moral grounds, even when governments claim it is necessary to monitor "dangerous" individuals. Such policies are often rooted in fear and suspicion of citizens who are intelligent and critical of official policies. Islam identifies this approach as the root cause of political mischief. The Prophet warned:

إِنَّ الْأَمِيرَ إِذَا ابْتَغَى الرَّيَّةَ فِي النَّاسِ أَفْسَدَهُمْ

"Indeed, when a leader seeks suspicion in people, he corrupts them."
(Saheeh Abi Dawud by Albani)

Amir Mu'awiyah also reported hearing the Prophet say:

إِنَّكَ إِنْ اتَّبَعْتَ عَوْرَاتِ الْمُسْلِمِينَ أَفْسَدْتَهُمْ، أَوْ كِدْتَ تُفْسِدُهُمْ

"If you try to find out the secrets of the people, you will definitely spoil them or bring them to the verge of ruin." (Saheeh At-Targheeb)

The phrase "spoil them" refers to the social deterioration that occurs when spies and surveillance agents are deployed throughout society. People begin to distrust one another, becoming wary even within their own homes. They fear speaking openly, worried that something said by a spouse or child might be overheard and used against them. This fosters a climate of fear, suspicion, and distrust, ultimately damaging the very fabric of society.

4. The Security of Personal Freedom

Islam establishes the principle that no citizen can be imprisoned unless their guilt has been proven in an open court. Arresting someone based solely on suspicion and imprisoning them without proper legal proceedings or a reasonable opportunity to present a defense is impermissible.

A hadith illustrates this principle. Once, while the Prophet Muhammad ﷺ (peace be upon him) was delivering a lecture in the mosque, a man

interrupted him, asking:

"O Prophet of Allah, for what crime have my neighbors been arrested?"

The Prophet continued his speech without responding. The man repeated the question twice more. Finally, the Prophet ordered the release of the man's neighbors. The reason for the Prophet's initial silence was that the police officer responsible for the arrests was present in the mosque. If there had been valid reasons for the arrests, the officer could have explained them. However, since no justification was provided, the Prophet ordered the immediate release of the detainees.

This incident underscores the principle of justice in Islam. The Prophet did not accept vague claims or excuses such as, "The administration is aware of the charges, but they cannot be disclosed in public." Had the person responsible for the arrests presented such an excuse, it would have resulted in their immediate dismissal. The absence of valid reasons for the arrests was sufficient for the Prophet to deem them unjust and order the immediate release of the detainees.

The Holy Quran affirms this principle:

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴾

"Indeed, Allah commands you to return trusts to their rightful owners; and *when you judge between people, judge with fairness.* What a noble commandment from Allah to you! Surely Allah is All-Hearing, All-Seeing." (4:58)

Allah SWT also commands the Prophet (peace be upon him):

وَأْمُرْتُ لِأَعْدِلَ بَيْنَكُمْ

"I have been ordered to dispense justice between you." (42:15)

Caliph Umar reiterated this principle, stating:

لَا يُوسَرُ الرَّجُلُ فِي الْإِسْلَامِ إِلَّا بِالْعَدْلِ

"In Islam, no one can be imprisoned except in *pursuance of justice*."

The phrase "*pursuance of justice*" clearly implies adherence to due process of law. Islam condemns the arrest and imprisonment of individuals without proof of guilt in an open court and without providing them the opportunity to defend themselves. If a government suspects someone of a crime or believes they may commit an offense, it must present its evidence to a court. The accused must be allowed to defend themselves publicly. The court must then decide whether the suspicion is based on valid grounds and, if necessary, specify the duration of any preventive detention.

Such decisions must always occur in open court, ensuring public transparency. This allows citizens to witness the government's charges, the accused's defense, and the application of due process. It safeguards against victimization and ensures justice is upheld.

The Case of Hatib ibn Abi Balta'ah

The Prophet's decision regarding Hatib ibn Abi Balta'ah exemplifies the correct method of dealing with such cases. Before the conquest of Makkah, Hatib sent a letter through a woman to the Quraysh authorities, revealing the Muslims' secret military preparations. Through divine inspiration, the Prophet became aware of this letter and instructed Ali and Zubayr: Go quickly on the route to Makkah, at such and such a place. You will find a woman carrying a letter. Recover the letter from her and bring it to me.

They found the woman exactly where the Prophet had described, retrieved the letter, and returned it to him. The contents of the letter revealed a clear case of treachery. Providing military secrets to the enemy during wartime is

a grave offense, tantamount to treason. Common sense would suggest handling such a case in secret. However, the Prophet chose to address it publicly.

Hatib was summoned to the open court of the Prophet's mosque. In the presence of hundreds of people, the Prophet asked Hatib to explain his actions. Hatib said:

"O Messenger of Allah, I have not revolted against Islam, nor have I intended to betray military secrets. My wife and children are in Makkah, and I lack a tribe to protect them. I wrote the letter so that the leaders of Quraysh might feel indebted to me and ensure their safety."

Caliph Umar respectfully requested permission to execute Hatib, saying:

"O Prophet, please permit me to put this traitor to the sword."

The Prophet replied: He is one of those who participated in the Battle of Badr. The explanation he has given seems truthful.

The Prophet acquitted Hatib on two grounds:

1. **Hatib's past record:** He had demonstrated loyalty to Islam during the Battle of Badr, risking his life for the Muslim cause.
2. **Hatib's motive:** His family's safety in Makkah was a legitimate concern, and his actions, while misguided, stemmed from human weakness rather than malicious intent.

The Prophet considered Hatib's public disgrace sufficient punishment. The offense was revealed to the community, and Hatib faced the humiliation of having his actions exposed. Allah SWT mentioned this incident in the Quran but prescribed no further punishment beyond rebuke and admonition.

The Kharijis in the Time of Caliph Ali

The attitude and activities of the Kharijis during the Caliphate of Ali are well-known to students of Islamic history. They openly abused the Caliph and even threatened him with murder. However, whenever they were arrested for these offenses, Ali would release them and instruct his officers: "As long as they do not actually commit offenses against the State, the mere use of abusive language or the threat of force are not offenses for which they can be imprisoned."

Imam Abu Hanifah recorded the following statement from Caliph Ali:

مَا لَمْ يَعْزُمُوا عَلَيَّ الْخُرُوجَ فَلَا مَأْمُ لَا يَتَعَرَّضُ عَنْهُمْ

"As long as they do not engage in armed rebellion, the Caliph of the Faithful will not interfere with them."

On one occasion, while Ali was delivering a lecture in the mosque, the Kharijis raised their slogans of opposition. In response, Ali remarked:

لَنْ نَمْنَعَكُمْ مَسَاجِدَ اللَّهِ أَنْ تَذْكُرُوا فِيهَا اسْمَ اللَّهِ وَ لَنْ نَمْنَعَكُمْ الْفَيْ مَا دَامَتْ أَيْدِيكُمْ مَعَ أَيْدِينَا وَ لَنْ
نُقَاتِلَكُمْ حَتَّى تُقَاتِلُونَا

"We will not deny you the right to come to the mosques to worship Allah, nor will we withhold your share from the wealth of the State, as long as you remain with us and support us in our wars against the unbelievers. We shall not take military action against you as long as you do not fight against us."

This illustrates the remarkable freedom that Ali allowed his opposition. Despite facing intense and violent criticism—far more severe than what is seen in many present-day democratic states—he upheld the rights of dissenters. Ali's tolerance for opposition remains unparalleled, as he refrained from arresting or imprisoning even those who threatened him with murder.

5. The Right to Protest Against Tyranny

Islam confers upon human beings the right to protest against government tyranny. The Quran states:

لَا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوْءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظُلِمَ

"Allah does not love evil talk in public unless it is by someone who has been wronged." (4:148)

This verse implies that Allah SWT strongly disapproves of abusive language or harsh condemnation, except when it comes from someone who has suffered injustice or tyranny. In such cases, the wronged person is granted the right to openly protest against the harm inflicted upon them.

This right is not limited to individuals. The language of the verse is general, applying to groups and communities as well. If an individual, a group, or a party usurps power and, after assuming authority, begins to oppress individuals, groups, or the entire population, it becomes the God-given right of the people to raise their voices in protest against such tyranny. No one has the authority to deny or suppress this right.

Any attempt to usurp this right constitutes rebellion against Allah SWT. While oppressive governments may use tools like **Section 144⁹** (or other

⁹ Section 144 of the Criminal Procedure Code, originally introduced in 1898 during British colonial rule, grants provincial and district authorities sweeping powers to restrict public gatherings and direct individual actions for specified periods under the guise of maintaining public order. Retained with slight amendments in Pakistan's 1973 CrPC, this law empowers an Executive Magistrate to prohibit the assembly of four or more people to prevent potential nuisances or threats to public safety. It is enforced by the police under Section 188 of the Pakistan Penal Code, with violations punishable by up to six months in prison, a fine, or both. However, critics argue that this colonial-era law is increasingly irrelevant in the present times and is frequently misused to suppress civil liberties and prevent people from voicing their legitimate concerns. Governments often use it to silence their opponents and prevent them from doing large public gatherings. Some of the examples of the misuse of these sections can be found below:

Ex senator Mushtaq Ahmed arrested in Islamabad

Web Desk August 31, 2024



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ISLAMABAD: Islamabad Police on Saturday arrested former Jamaat-e-Islami (JI) Senator Mushtaq Ahmed during a march taken out by the Jamaat to express solidarity with the people of Gaza.

Authorities have imposed Section 144 in Islamabad, which prohibits gatherings without prior permission from the district administration.

Figure: A news clip showing Jamaat-e-Islami's former Senator Mushtaq A. Khan having an interaction with a police officer. He was arrested alongwith his wife and several party members by Islamabad police on terrorism charges for protesting during 'Save Gaza' campaign in Sep 2024 defying Section 144.

similar legal provisions) to silence dissent in this world, such measures will not save them from the consequences of their tyranny in the Hereafter. They will be held accountable for their actions, and the fires of hell await those who deny justice.



Figure: A news clip showing Jamaat-e-Islami's leadership being charged for their sit-in during 'Haq Do Awam Ko' (Give Rights to the Citizens) campaign in Sep 2024 defying Section 144.

6. Freedom of Expression

Islam upholds the right to freedom of thought and expression for all citizens of an Islamic State, but this freedom comes with the responsibility to promote virtue and truth. Unlike the unrestrained freedom often championed in the West, which may permit the spread of immorality and the use of offensive language under the guise of free speech, the Islamic concept ensures that such freedom aligns with moral and ethical boundaries.

In Islam, freedom of expression cannot be exploited to propagate evil or wickedness, nor is it permissible to use abusive or offensive language, even in criticism. This balanced approach ensures that the dignity of individuals is respected, societal harmony is maintained, and constructive dialogue is encouraged, making the Islamic model of freedom of expression far superior in fostering a just and virtuous society.

The right to freedom of expression for promoting virtue and righteousness is not just a right in Islam but an obligation. Anyone who tries to deny this right to others is, in essence, at war with Allah SWT, the All-Powerful. Similarly, preventing people from denouncing evil—whether perpetrated by an individual, a group, a government, or even a foreign power—is also forbidden. It is both the right and the duty of a Muslim to warn and reprimand wrongdoers, attempt to stop them from committing evil, and openly condemn their actions. Furthermore, Muslims must guide individuals, nations, or governments toward the path of righteousness.

The Holy Quran highlights this responsibility of the faithful:

يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ

"They enjoin what is proper and forbid what is improper." (9:71)

In contrast, the Quran describes the qualities of hypocrites:

يَأْمُرُونَ بِالْمُنْكَرِ وَيَنْهَوْنَ عَنِ الْمَعْرُوفِ

"They bid what is improper and forbid what is proper." (9:67)

The main purpose of an Islamic government has been defined by Allah SWT in the Quran:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ

"If We give authority to these men on earth, they will keep up prayers, offer poor-due, bid what is proper, and forbid what is improper." (22:41)

The Prophet Muhammad ﷺ (peace be upon him) emphasized this duty, stating:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ الْإِيمَانِ

"Whoever among you sees evil, let him change it with his hand. If he cannot do so, then with his tongue. If he cannot do so, then with his heart, which is the weakest level of faith" (Muslim)

This obligation – to encourage righteousness and forbid evil – is incumbent upon all true Muslims. If a government deprives its citizens of this right or prevents them from fulfilling this duty, it directly conflicts with the commands of Allah SWT. Such a government is not merely opposing its citizens but is at war with Allah SWT. By usurping this God-given right, it becomes tyrannical and oppressive.

As for a government that itself promotes evil, wickedness, and obscenity while interfering with those who call for virtue and righteousness, the Quran unequivocally declares it to be a government of hypocrites.

7. Freedom of Association

Islam recognizes the right of individuals to freedom of association and the

formation of parties or organizations. However, this right is governed by essential principles that ensure it contributes positively to society. It must be exercised for the promotion of virtue and righteousness and must not be used as a means to spread evil, mischief, or corruption.

Far from being a mere allowance, this right is elevated to a duty for Muslims. The Quran commands the establishment of groups that call towards good, enjoin what is right, and forbid what is wrong. By encouraging collective efforts toward moral and ethical objectives, Islam emphasizes that freedom of association should serve as a tool for societal betterment and alignment with divine guidance.

Addressing the Muslim community, the Holy Quran states:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ ۚ

"You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper, and you believe in Allah." (3:110)

This verse underscores that it is the collective obligation of the Muslim community to invite people to righteousness and virtue and to forbid them from engaging in evil. If the entire community cannot perform this duty collectively, the Quran emphasizes the necessity of forming a group dedicated to this purpose:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ ۚ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ

"Let there be a community among you who will invite (people) to (do) good, command what is proper, and forbid what is improper; those will be prosperous." (3:104)

This principle establishes that if the Muslim community as a whole fails to fulfill its obligation to promote good and forbid evil, it becomes imperative

for at least a dedicated group within the society to shoulder this responsibility. This duty is both a right and an obligation, and the well-being and success of individuals and the community – both in this world and the Hereafter – are contingent on its fulfillment.

Tragically, in many so-called Muslim countries, the reality stands in stark contrast to this divine directive. Assemblies and associations that spread evil and mischief are often granted legitimacy and power, while those striving to promote righteousness and virtue are harassed, marginalized, or even declared illegal. This inversion of values is not only ironic but also a profound betrayal of what Islam prescribes.

Governments that claim to represent Islam often support policies and initiatives that degrade societal morals and corrupt the population. At the same time, individuals and organizations dedicated to reforming society and checking the spread of evil are met with persecution, unbearable hardships, and harassment. Such contradictions undermine the essence of an Islamic state, which is supposed to serve as a bastion of justice, morality, and virtue. This stark deviation from Islamic principles serves as a reminder of the urgent need to realign governance and societal priorities with the teachings of Islam.

8. Freedom of Conscience and Conviction

Islam grants the right to freedom of conscience and conviction to all citizens of an Islamic State. This right is firmly rooted in the teachings of the Holy Quran, which commands:

لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ

"There shall be no compulsion in religion. The right way has become distinct from the wrong way." (2:256)

This respect for human dignity and personal choice underscores the justice

and mercy inherent in Islamic teachings, promoting a harmonious and respectful society where people are free to follow their convictions without fear of oppression or coercion.

While Islam is the religion of Truth and Muslims are encouraged to invite others to embrace it through reason, dialogue, and persuasion, it strictly forbids any form of compulsion in matters of faith. The Quranic injunction, "*There shall be no compulsion in religion*" (Surah Al-Baqarah, 2:256), serves as a guiding principle for this freedom. Acceptance of Islam must be an act of free will. Those who embrace it out of genuine conviction are welcomed into the Muslim community with open arms, enjoying equal rights and privileges as any other Muslim.

Conversely, for those who choose not to accept Islam, their decision is to be respected. Islam categorically prohibits the use of moral, social, or political pressure to force anyone to change their beliefs. This principle safeguards the sanctity of personal conviction, ensuring that faith remains a matter of individual choice and that no one is coerced or compelled in their journey of belief. This approach exemplifies the fairness, wisdom, and inclusivity of Islamic teachings, fostering an environment of mutual respect and coexistence.

9. Protection of Religious Sentiments

Alongside the freedom of conscience and conviction, Islam guarantees the right of individuals to have their religious sentiments respected. The Holy Quran states:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ

"Do not abuse those they appeal to instead of Allah." (6:108)

This commandment extends not only to idols and deities but also to the leaders and national heroes revered by others. Even if a group holds beliefs

or reveres individuals that Muslims consider misguided, Islam does not permit the use of abusive language that could harm their sentiments. Such behavior is deemed disrespectful and unjustifiable.

Islam encourages debate and discussion on religious matters but insists that these engagements be conducted respectfully and decently. The Quran advises:

وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ

"Do not argue with the People of the Book unless it is in the politest manner." (29:46)

This instruction applies not only to followers of the scriptures but to adherents of all faiths. Respectful dialogue is a cornerstone of Islamic teachings, ensuring that differing beliefs and convictions are addressed with dignity and decorum.

10. Protection from Arbitrary Imprisonment

Islam recognizes the individual's right not to be arrested or imprisoned for the crimes of others. The Holy Quran clearly states:

عَلَيْهَا ۖ وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ۚ

"No bearer of burdens shall be made to bear the burden of another." (6:164)

This principal underscores Islam's strong focus on personal responsibility. In Islam, each individual is held accountable for their own actions, and the consequences of those actions cannot be shifted onto others. In practical terms, this ensures that no one can be arrested or punished for a crime they did not personally commit.

Unfortunately, this just and divine principle is often disregarded in practice. For instance, in Karachi, Pakistan, a man suspected of involvement in a

bombing was brutally tortured by the police in an effort to force a confession. When he continued to assert his innocence, the police escalated their actions by arresting his mother, wife, daughter, and sister, bringing them to the station. In a shocking display of coercion, the women were stripped naked in his presence, and he was likewise stripped before them—all in a bid to compel him to confess.

This appalling incident underscores a profound violation of Islamic principles. Such actions epitomize the depths of cruelty and moral corruption. These are not baseless accusations; they are well-documented and could stand as evidence in any court of law. It poses an urgent and troubling question: how can individuals who commit such atrocities claim to be Muslims, or assert that their governance adheres to the teachings of Islam?

These oppressors brazenly defy the explicit laws of the Holy Quran. Their actions—stripping men and women of their dignity, degrading humanity, and subjecting individuals to humiliation—are unequivocally prohibited in Islam. Yet, they audaciously label themselves as Muslims and assert that they govern Islamic states. Such conduct not only mocks the fundamental principles of Islam but also constitutes a profound injustice to humanity.

11. The Right to Basic Necessities of Life

Islam recognizes the right of those in need to receive help and support. The Holy Quran proclaims:

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

"And in their wealth, there is an acknowledged right for the needy and the destitute." (51:19)

This verse affirms that every needy individual has a rightful claim to assistance from the wealth of Muslims. Furthermore, if a Muslim becomes

aware that someone is deprived of basic necessities, it becomes their obligation to offer help, even if the individual does not explicitly request it.

Islam goes beyond relying solely on voluntary acts of charity. It has established **zakat** (compulsory charity) as one of the five pillars of Islam, ranking it third after the declaration of faith and prayer. The Prophet Muhammad ﷺ (peace be upon him) stressed this obligation, stating:

"It will be taken from their rich and given to those in the community in need." (Al-Bukhari and Muslim)

In addition to **zakat**, Islam obligates the Islamic State to provide for those who lack any means of sustenance or familial support. The Prophet Muhammad ﷺ (peace be upon him) stated:

فَالسَّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ

"The Head of State is the guardian (*Wali*) of him who has nobody to support him." (Abu Dawud, Al-Tirmidhi)

The term *wali*, as used by the Prophet Muhammad ﷺ (peace be upon him), encompasses a comprehensive and inclusive meaning, signifying a broad spectrum of responsibilities. It reflects the duty to care for and protect various vulnerable groups in society, including orphans, the elderly, the disabled, the unemployed, and the poor. Furthermore, when an individual passes away without any heirs, the state assumes the responsibility of ensuring their dignified burial. As the ultimate guardian and protector, the state is entrusted with the care and welfare of all those in need, fulfilling its role as a custodian of social justice and compassion.

Thus, a truly Islamic State operates as a welfare state, dedicated to the holistic well-being of its citizens. It actively ensures that no individual in need is left unsupported or neglected, upholding its responsibility to provide comprehensive care, protection, and social justice.

12. Equality Before Law

Islam grants all citizens the right to absolute and complete equality before the law. For Muslims, the Holy Quran and hadith provide clear instructions that all believers are equal in their rights and obligations:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ

"The believers are brothers (to each other)." (49:10)

فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوْا الزَّكَاةَ فَإِخْوَتُكُمْ فِي الدِّينِ

"If they (disbelievers) repent, keep up prayer, and pay the poor-due, they are your brothers in faith." (9:11)

The Prophet Muhammad ﷺ (peace be upon him) affirmed:

المسلمون تتكافأ دماؤهم

"Muslims are equal in the sanctity of their blood." (Abu Dawud, Ibn Majjah)

In another narration, it is reported:

ذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ، يَسْعَى بِهَا أَذْنَاؤُهُمْ

"The protection given by all Muslims is equal. Even an ordinary person among them can grant protection to any man." (Al-Bukhari, Muslim, Abu Dawud)

In a more detailed tradition, the Prophet (peace be upon him) proclaimed that anyone who acknowledges the Oneness of God, affirms the Prophethood of His Messenger, renounces primitive prejudices, and integrates into the Muslim community:

لَهُمْ مَا لِلْمُسْلِمِينَ وَعَلَيْهِمْ مَا عَلَى الْمُسْلِمِينَ

"They have the same rights and obligations as other Muslims." (Al-Bukhari, Al-Nasa'i)

This establishes absolute equality between new converts to Islam and long-standing followers of the faith. In Islam, no distinction or hierarchy exists to elevate one Muslim above another in terms of rights or obligations. This sense of religious brotherhood and uniformity in rights and responsibilities serves as the cornerstone of equality in Islamic society.

In such a society, no person's rights or duties are greater or lesser than those of others. The principle of equality extends to non-Muslim citizens of the Islamic State as well. This is clearly articulated by Caliph Ali, who stated when the non-Muslims accept the protection of the Muslims, then the protection of their blood and wealth becomes the responsibility of the state of the Muslims. He said:

إِنَّمَا بَدَلُوا الْجِزْيَةَ لَتَكُونَ دِمَاؤُهُمْ كَدِمَائِنَا، وَأَمْوَالُهُمْ كَأَمْوَالِنَا

"They paid the jizya so that their lives would be like our lives, and their properties like our properties" (Dar Al-Qutni)

This means that the lives and properties of *dhimmi*s (non-Muslim citizens) are as sacred as those of Muslims. Any discrimination based on religion, ethnicity, or class is contrary to Islamic principles.

The Quran condemns the division of people into classes, as it was one of the greatest crimes attributed to Pharaoh:

الْأَرْضَ وَجَعَلَ أَهْلَهَا شِيَعًا يَسْتَضَعِفُ طَائِفَةٌ مِّنْهُمْ

"He divided its people into 'subservient' groups, one of which he persecuted (at the cost of others)." (28:4)

Islam upholds a legal system founded on absolute justice and equality, ensuring that every individual, regardless of their faith or background, is treated with fairness and dignity.

13. Rulers Not Above the Law

Islam demands that all officials of the Islamic State – whether the head of state or an ordinary employee – be treated equally under the law. None of them is above the law or entitled to immunity. In Islam, even an ordinary citizen has the right to lodge a claim or file a legal complaint against the highest executive of the country.

Caliph Umar stated:

"I have myself seen the Prophet, may Allah's blessings be upon him, taking revenge against himself (penalizing himself for a shortcoming or failing)."

An example of this is found during the Battle of Badr.

روى ابن هشام وابن كثير وغيرهما: (أن رسول الله صلى الله عليه وسلم عدل صفوف أصحابه يوم بدر، وفي يده قدح (سهم) يعدل به القوم، فمر بسواد بن غزية حليف بني عدي بن النجار وهو مُسْتَنْبِلٌ (متقدم) من الصف، فطعن في بطنه بالقدح، وقال: استو يا سواد (فقال: يا رسول الله! أوجعتني، وقد بعثك الله بالحق والعدل فأقديني) مكّي من القصاص لنفسي)، فكشف رسول الله صلى الله عليه وسلم عن بطنه فقال: استقد (أي: اقتص)، قال: فاعتنقه، فقَبَّل بطنه، فقال: ما حملك على هذا يا سواد؟ (قال: يا رسول الله! حضر ما ترى، فأردت أن يكون آخر العهد بك أن يمس جلدي جلدك، فدعا له رسول الله صلى الله عليه وسلم بخير، وقال له): استو يا سواد!

The Prophet Muhammad ﷺ was aligning the rows of his companions on the day of Badr. He held an arrow (or a stick) to straighten their lines. He passed by Sawad ibn Ghaziyyah, an ally of Banu Adi ibn al-Najjar, who was slightly ahead of the row. The Prophet (ﷺ) lightly tapped him on his stomach with the arrow and said, "Straighten up, O Sawad!" Sawad said,

"O Messenger of Allah! You have hurt me, and Allah has sent you with truth and justice, so allow me to retaliate (qasas)." The Prophet (ﷺ) immediately uncovered his own stomach and said, "Take your retaliation." Instead of striking, Sawad embraced the Prophet (ﷺ) and kissed his stomach. The Prophet (ﷺ) asked, "What made you do this, O Sawad?" He replied, "O Messenger of Allah, the moment you see is upon us (the battle is near), and I wanted the last thing I touch in this world to be your skin." The Prophet (ﷺ) then prayed for him and said, "Straighten up, O Sawad!" (Ibn Hisham)

Similarly, a woman from a high and noble family was once arrested for theft. When the case was brought before the Prophet, some people recommended sparing her from punishment due to her status. The Prophet replied:

يَا أَيُّهَا النَّاسُ إِنَّمَا هَلَكَ الَّذِينَ مِنْ قَبْلِكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكُوهُ وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ
الْحَدَّ وَإِنَّمَا اللَّهُ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

" O people! Those who came before you were only destroyed because when one of their nobles stole, they let him off, but when one of the weak people among them stole, they would carry out the punishment on him. By Allah, if Fatimah the daughter of Muhammad ﷺ were to steal, I would cut off her hand." (Ibn Majah)

During the caliphate of Umar, Muhammad, the son of Amr ibn al-As (the Governor of Egypt), whipped an Egyptian man. The man traveled to Medina to lodge a complaint with the Caliph. Umar immediately summoned both the Governor and his son to Medina. Once they arrived, the Caliph handed a whip to the Egyptian complainant and said: "Whip the son of the Governor in my presence."

After exacting his revenge, the Egyptian attempted to return the whip. However, Umar said: "Give one stroke of the whip to the Governor as well. His son would not have beaten you if not for the false pride he felt in his father's high office."

The Egyptian declined, stating that he had avenged himself on the one who had beaten him. Umar responded: "By Allah, if you had whipped him (the Governor), I would not have stopped you. You spared him of your own free will."

Turning to Amr ibn al-As, Umar angrily declared:

يَا عَمْرُو مَتَى اسْتَعْبَدْتُمُ النَّاسَ وَقَدْ وَلَدْتُهُمْ أُمَّهَاتُهُمْ أَحْرَارًا؟

"O Amr, when did you begin to enslave the people, though they were born free of their mothers?"

During the golden era of the Islamic State, even the Caliph could be summoned to court by a common citizen. The Caliph had to respond to charges like any other individual. If the Caliph had a complaint against a citizen, he could not use his administrative powers to resolve the matter but was required to bring the case to a court of law for proper adjudication.

This principle of equality before the law is a cornerstone of Islamic governance, ensuring justice and accountability for all, regardless of rank or status.

14. The Right to Avoid Sin or a Crime

Islam grants every citizen the right to refuse orders that involve committing a sin, crime, or offense. If a government official, administrator, or head of a department instructs an individual to perform a wrongful act, the individual has the right to refuse compliance. Such refusal is not considered an offense under Islamic law. On the contrary, issuing such sinful or unjust orders is itself a grave offense, and any officer – regardless of rank or position – who gives such an order is liable to dismissal or punishment.

The Prophet Muhammad ﷺ (peace be upon him) clearly stated:

لا طاعة لمخلوق في معصية الخالق

"It is not permissible to disobey the Creator in obedience to the orders of any creation." (Musnad of Ibn Hanbal)

This principle emphasizes that no one has the authority to demand actions contrary to the laws of Allah SWT. Subordinates are fully within their rights to disregard or openly refuse such orders.

Under Islamic law, offenders cannot claim innocence or escape punishment by arguing that they acted under the orders of a superior or government. In such cases, both the individual who committed the offense and the one who issued the order are equally liable to face legal proceedings.

If an officer retaliates against a subordinate for refusing to carry out illegal or immoral orders, the subordinate has the right to seek protection from a court of law. The court may not only safeguard the subordinate's rights but also impose appropriate punishment on the officer for their unjust or improper actions.

This principle ensures that individuals are empowered to uphold moral integrity and resist wrongful acts, even under pressure from authority figures.

15. The Right to Participate in the Affairs of State

Islam teaches that governments in this world act as representatives (*khulafa'*) of the Creator of the universe. This responsibility is not confined to any individual, family, or specific class but is entrusted to the entire Muslim nation. The Holy Quran states:

وَعَدَ اللَّهُ الَّذِينَ ءَامَنُوا مِنكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ

"Allah has promised to appoint those of you who believe and do good deeds as (His) representatives on earth." (24:55)

This verse emphasizes that *khilafah* is a collective trust from Allah SWT.

Every Muslim has an equal share in this responsibility, with no individual's rights exceeding those of others.

The Quran prescribes the following principle for managing state affairs:

وَأْمُرُهُمْ شُورَىٰ بَيْنَهُمْ

"And their business is (conducted) through consultation among themselves." (42:38)

According to this principle, every Muslim has the right to directly participate in the state's affairs or to be represented by individuals they and other Muslims elect. Islam strictly forbids and does not tolerate the monopolization of power by any individual, group, or party that deprives the Muslim population of their collective rights.

Similarly, Islam rejects the manipulation of legislative processes through fraud, persecution, bribery, or other underhanded tactics. Such actions constitute treachery not only against the people, whose rights are unlawfully usurped, but also against Allah SWT, who has entrusted Muslims with the responsibility to govern the earth on His behalf. Islam prescribes the establishment of a *shura* (consultative assembly) as the means for exercising this authority.

The principles guiding the *shura* or legislative assembly are as follows:

1. Free and Fair Elections

The executive head of the government and the members of the assembly must be elected through the free and independent choice of the people.

2. Freedom of Criticism and Opinion

The people and their representatives must have the right to openly criticize and express their opinions without fear of retaliation.

3. Transparency

The real conditions of the country must be presented honestly to the public, with no suppression of facts. This ensures that citizens can form informed opinions about the performance of the government.

4. Accountability

There must be adequate safeguards to ensure that only those who have the support of the majority of the population hold power. Those who fail to maintain this support should be removed from their positions of authority.

This framework reflects Islam's commitment to ensuring justice, accountability, and inclusivity in governance, providing every citizen with a voice in the affairs of the state.

CHAPTER FOUR:

RIGHTS OF ENEMIES AT WAR



After discussing the rights of citizens within an Islamic State, I will now briefly address the rights Islam has conferred upon its enemies. When Islam emerged, the world was entirely unfamiliar with the concept of humane and decent rules of war. It was not until the works of the seventeenth-century thinker Grotius¹⁰ that the West began to contemplate such principles. However, the actual codification of "international law" concerning warfare did not occur until the mid-nineteenth century.

¹⁰ Hugo Grotius was a Dutch humanist and jurist whose philosophy of natural law had a major impact on the development of seventeenth-century political thought and on the moral theories of the Enlightenment. His seminal work, *De Jure Belli ac Pacis* (On the Law of War and Peace), laid the foundation for modern international law by articulating principles governing just war and the conduct of hostilities. Grotius emphasized natural law as a universal basis for legal norms, influencing the evolution of international legal frameworks and the concept of state sovereignty.

At this point, let us pause and reflect on how Maulana Maududi could have come to know about such a vast array of individuals, concepts, books, ideas, and philosophies. Today, with just a few seconds of internet searching, we are inundated with pages upon pages of information. But let us rewind 50 years to the time when Maulana Maududi delivered this speech. There was no internet, no sophisticated television news networks – only basic forms of media.

How, then, did he manage to remain so well-informed about developments across so many fields of knowledge? How did he analyze them so thoroughly through the lens of Islam? When we ponder this, we cannot help but marvel at the sheer dedication and effort he must have invested. How much reading would this have required? How many libraries must he have visited? How many rare books must he have painstakingly sourced from across the globe? And how did those books even reach him, given the limited means of communication and transportation at the time?

The level of commitment and determination this must have demanded is awe-inspiring. Reflecting on his immense toil, I am left with deep admiration and gratitude. My hands instinctively rise in prayer for Syed Maududi (R.A.), asking Allah to reward him for his extraordinary efforts and unwavering dedication.

Before this development, there was no concept of civilized conduct during war in the West. Acts of barbarity and savagery were commonplace, and the rights of those involved in war were neither recognized nor respected. In contrast, Islam introduced a set of clear, humane rules of warfare over a millennium earlier, setting a precedent for moral and ethical conduct in times of conflict.

The laws established in this field during the nineteenth century and subsequent periods cannot, in the true sense, be called "laws." They are more accurately described as conventions or agreements, and referring to them as "international law" is, in reality, a misnomer. No nation treats them as binding during times of war unless their adversaries also agree to adhere to them. In essence, these so-called civilized laws operate on the principle that if our enemies respect them, we will do the same; but if they disregard these conventions and resort to barbaric and cruel methods of warfare, we will adopt similar tactics in response.

It is evident that such an approach, which hinges on mutual acceptance and reciprocity, cannot qualify as true "law." This is why the provisions of this so-called "international law" have been frequently violated and disregarded, with numerous revisions, additions, and deletions being made over time.

The rules established by Islam to ensure that war is conducted in a civilized and humane manner hold the status of law, as they are the divine injunctions of Allah SWT and His Prophet. Muslims are bound to follow these rules under all circumstances, regardless of the enemy's conduct. It is now a task for scholars to explore the extent to which the West has benefited from these principles of warfare, introduced by Islam over thirteen centuries ago. Additionally, they should assess how closely the West, despite adopting some of these Islamic laws, has approached the level of civility and humane conduct in warfare that Muslims achieved through the guidance of Islam.

Western writers often allege that the Prophet (peace be upon him) borrowed his teachings from the Jews and Christians. Rather than directly refuting this

claim, I encourage readers to examine the Bible themselves to understand the methods of warfare prescribed in the sacred text of those who claim to be the torchbearers of civilization and culture.

We have thoroughly examined the fundamental human rights that Islam grants to all individuals. Let us now turn our attention to the rights and obligations that Islam upholds concerning an enemy.

The Rights of the Non-Combatants

Islam establishes a clear distinction between combatants and non-combatants in an enemy country. Concerning the non-combatant population—such as women, children, the elderly, and the infirm—the Prophet (peace be upon him) provided the following instructions:

انْطَلِقُوا بِاسْمِ اللَّهِ وَبِاللَّهِ وَعَلَىٰ مِلَّةِ رَسُولِ اللَّهِ وَلَا تَقْتُلُوا شَيْخًا فَانِيًّا وَلَا طِفْلًا وَلَا صَغِيرًا وَلَا امْرَأَةً وَلَا تَغْلُوا وَضُمُّوا
عَنَائِمَكُمْ وَأَصْلِحُوا وَأَحْسِنُوا { إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ }

" The Prophet (ﷺ) said: Go in Allah's name, trusting in Allah, and adhering to the religion of Allah's Apostle. Do not kill a decrepit old man, or a young infant, or a child, or a woman; do not be dishonest about booty, but collect your spoils, do right and act well, for Allah loves those who do well." (Abu Dawud)

Abu Bakr R.A. advised the ummah:

أَلَا لَا يُقْتَلُ الرَّاهِبُ فِي الصَّوْمَةِ

" Behold, the monk in the monastery is not to be killed" or "Do not kill the people who are sitting in places of worship." (Ibn Abi Shayba)

During a war, the Prophet saw people gathered around corpse of a woman. He reprimanded:

ما كانت هذه لتقاتل

" This (woman) was not meant to fight!" (Ibn Abi Shayba)

From this statement, exegetists and jurists have deduced the principle that non-combatants must not be killed during or after a war.

The Rights of the Combatants

Now let us examine the rights Islam has conferred on combatants.

1. No torture with Fire

The Prophet said:

لَا يُعَذِّبُ بِالنَّارِ إِلَّا رَبُّ النَّارِ

"Punishment by fire does not befit anyone except the Master of the Fire."
(Abu Dawud)

From this saying, it is deduced that adversaries must not be burnt alive.

2. Protection of the Wounded

The Prophet instructed:

لَا تَجْهَرَنَّ عَلَى جَرِيحٍ

"Do not attack a wounded person."

This means that wounded soldiers who are no longer fit to fight and are not actively engaged in combat must not be attacked.

3. The Prisoner of War Should Not Be Slain

The Prophet unequivocally stated:

لَا يُقْتَلَنَّ الْأَسِيرُ

"No prisoner should be killed."

4. No One Should Be Tied to Be Killed

The Prophet also prohibited the killing of captives, saying:

هَي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ قَتْلِ الصَّبْرِ

"The Prophet has prohibited the killing of anyone who is tied or is in captivity."

Abu Ayub Ansari R.A. who narrated this hadith said: "By Allah, I will never even slaughter a chicken which is tied up".

5. No Looting and Destruction in the Enemy's Country

Muslims are explicitly instructed by the Prophet (peace be upon him) that when entering enemy territory, they must refrain from pillage and plunder, avoid destroying residential areas, and must not seize property belonging to non-combatants. The hadith clearly states:

هَي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ النَّهْيِ

"The Prophet has prohibited the believers from loot and plunder."

(Al-Bukhari; Abu Dawud)

His further injunction is:

إِنَّ النَّهْبَةَ لَيْسَتْ بِأَحْلَ مِنْ الْمَيْتَةِ

"The loot is no more lawful than carrion." (Abu Dawud)

Abu Bakr al-Siddiq instructed the soldiers being sent to war:

وَلَا تَعْقِرُوا نَخْلًا وَلَا تَحْرِقُوهُ، وَلَا تَقْطَعُوا شَجَرَةً مِثْمَرَةً

"Do not destroy or burn palm trees. Do not cut down fruit-bearing trees."

The instructions also emphasized refraining from destroying villages and towns, preserving cultivated fields and gardens, and avoiding the unnecessary slaughter of cattle.

It is crucial to distinguish between the booty of war and looting. The booty of war refers specifically to wealth, provisions, and equipment captured from the camps and military headquarters of combatant armies on the battlefield. This is fundamentally different from looting, which involves the indiscriminate seizure of property from civilians or non-combatants, an act strictly prohibited in Islam.

6. Sanctity of Property

Muslims are strictly forbidden from taking anything from the general public of a conquered land without providing proper compensation. If the Muslim army occupies a territory and sets up camp there, they are not permitted to use the property or belongings of the local population without their explicit consent. Should they require anything, it must be either purchased from the locals or obtained with the owners' clear permission. Abu Bakr al-Siddiq, the first Caliph, reinforced this principle when instructing Muslim armies heading to the battlefield. He specifically emphasized that soldiers must not even take the milk of milch cattle without the explicit consent of their owners.

7. Sanctity of a Dead Body

Islam categorically forbids its followers from disgracing or mutilating the corpses of their enemies, a practice common in Arabia before the advent of Islam. It is stated in the hadith:

عن عبد الله بن يزيد عن النبي صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ نَهَى عَنْ النُّهْبَةِ وَالْمُثَلَّةِ

" Abdullah ibn Yazid Reported: The Prophet, peace and blessings be upon him, prohibited plundering and mutilation." (Al-Bukhari; Abu Dawud)

The context in which this command was issued is especially illuminating. During the Battle of Uhud, the disbelievers committed gruesome acts by mutilating the bodies of fallen Muslim soldiers. They cut off their ears and noses, strung them together, and wore them as war trophies. Among the most heart-wrenching atrocities was the mutilation of the body of Hamzah, the Prophet's beloved uncle. His abdomen was torn open, his liver removed, and Hind, the wife of Abu Sufyan, infamously chewed it in a horrifying display of hatred and vengeance.

Despite the deeply enraging sight, the Prophet (peace be upon him) instructed his followers not to retaliate by desecrating the bodies of their enemies in the same manner. This extraordinary display of restraint and moral integrity highlights the divine nature of Islam. Had Islam been driven by human emotions, such a horrifying scene on the battlefield of Uhud could have easily led to an order for revenge in kind. Instead, the Prophet upheld the dignity of even the enemy's dead, establishing an unparalleled standard of forbearance and humanity.

8. Return of Corpses of the Enemy

During the Battle of Ahzab, a renowned and formidable enemy warrior was killed, and his body fell into the trench that the Muslims had dug to defend Medina. The unbelievers, eager to recover the body of their fallen comrade, offered the Prophet (peace be upon him) ten thousand dinars in exchange for it. However, the Prophet (peace be upon him) made it clear that he would not engage in such an exchange and allowed them to take the corpse of their fallen comrade.

9. Prohibition of *Breach of Treaties*

Islam has strictly prohibited treachery. One of the instructions the Prophet gave to Muslim warriors before sending them to the battlefield was:

لَا تَغْدِرُوا

"Do not be guilty of breach of faith."

This command is reiterated in the Holy Quran and Hadith, stressing that even if the enemy acts treacherously, Muslims must remain true to their promises and never break their agreements.

A notable incident illustrating this principle took place during the peace treaty of Hudaibiyyah. After the treaty had been finalized, Abu Jandal, the son of Suhayl ibn Amr – the emissary who negotiated the treaty on behalf of the Quraysh – arrived at the Muslim camp. He was bound in chains, bloodied, and desperately pleading for help. Despite the heart-wrenching sight, the Muslims were bound by the terms of the treaty, which required Abu Jandal to return with his father to Makkah.

The Prophet (peace be upon him) emphasized the importance of honoring the agreement, assuring Abu Jandal that Allah SWT would eventually provide a way out of his persecution. The entire Muslim army was deeply grieved by Abu Jandal's plight, with many moved to tears. However, the Prophet's resolute commitment to upholding the treaty ensured that no one defied the terms or intervened. Ultimately, the Quraysh took Abu Jandal back to Makkah, dragging him away by force.

This incident stands as a remarkable testament to the Muslims' unwavering commitment to upholding agreements, even under the most emotionally challenging circumstances. Islamic history is filled with similar examples, demonstrating a steadfast dedication to honoring agreements with absolute integrity.

10. Rules About Declaration of War

The Holy Quran lays down the principle:

وَأَمَّا نَحْنُ فَأَنْبِئُكُمْ خِيَانَةَ قَوْمٍ فَإِنْ أَبَىٰ عَلَيْهِمْ عَلَىٰ سَؤَآءٍ ۖ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ

" And if you 'O Prophet' see signs of betrayal by a people, respond by

openly terminating your treaty with them. Surely Allah does not like those who betray." (8:58)

This verse explicitly forbids Muslims from initiating hostilities against their enemies without first declaring war. The sole exception to this rule is when the adversary has already launched an act of aggression. In all other cases, Muslims are required to formally inform their enemies that the treaty between them has been annulled and that a state of war exists.

While modern "international law" similarly requires that hostilities should not commence without a formal declaration of war, these man-made laws are frequently disregarded when it suits the interests of those in power. In contrast, Islamic laws, being divinely ordained, are binding on Muslims under all circumstances, ensuring they cannot be set aside or violated at will.

Conclusion

This is a concise overview of the rights Islam established 1,400 years ago – rights for individuals, for those at war, and for the citizens of an Islamic state – rights that every believer considers sacred and inviolable.

On one hand, these timeless laws reaffirm and strengthen our faith in Islam, highlighting that even in this modern era of proclaimed progress and enlightenment, the world has yet to devise laws as just and equitable as those revealed over a millennium ago. On the other hand, it is deeply disheartening to see Muslims, despite having such a complete and unparalleled system of law, often seeking guidance from Western leaders – leaders who could never aspire to match the truth and justice that Islam achieved centuries ago.

Even more troubling is that many rulers claiming to be Muslims have established their governments on disobedience to Allah and His Prophet ﷺ.

May Allah SWT have mercy on them and guide them to the path of true righteousness.



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